(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

CIVIL APPLICATION NO. 256 OF 2004 IN

APPEAL FROM ORDER NO. 47 OF 2004

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. Sudesh Usgaonkar, Advocate for the applicants.

Mr. S.D. Lotlikar, Sr. Advocate with Mr. R.S. Sardessai, Advocate for the respondent No.1.

CORAM : B.H. MARLAPALLE, J.

DATE : OCTOBER 28, 2004.

P.C.

Heard. The applicants pray for stay of the order dated 8.6.2004 which is subject-matter of challenge in Appeal from Order No.47/2004.

2. Taking into consideration the different events that have taken place during the subject-transaction of the sale of the property and the payment Schedules as well as the written intimation by the present applicants

terminating the agreement, it is imperative that the plaintiffs are directed to deposit a substantial amount if they wish to continue with the stay granted by the trail Court.

3. Hence, the following order :

The order of the trial Court regarding the stay would continue to operate during the pendency of the appeal, until the suit is decided, subject to the condition that an amount of Rs.30,00,000/- is deposited by the plaintiffs in the Court below and this deposit will be without prejudice to the rights and contentions of the parties. If this amount is not deposited within a period of four weeks, the impugned order shall stand stayed.

The trial of the suit to continue on its own merits.

B.H. MARLAPALLE, J.

ssm.